

REMARKS/ARGUMENTS

In response to the Office Action of May 15, 2006, Applicant has submitted a Request for Continued Examination (RCE) and Petition for Extension of Time (3 months). Along with the RCE, Applicant submits herewith a declaration under 37 C.F.R. §1.132.

In the Office Action, the Examiner rejected Claims 1-23 under the provisions of 35 U.S.C. §103 (a) as being obvious over Eckberg et al. U.S. Patent No. 5,814,679 (“Eckberg et al.”) in view of Desorcie et al. U. S. Patent No. 5,010,118 (“Desorcie”). The Examiner’s position is that it would have been obvious to one skilled in the art at the time of the invention to employ a short chain epoxy-terminated silicone polymer as taught by Eckberg et al. having substantially no epoxy groups along the backbone of the epoxy functional silicone and an alkylphenol compatibilizer disclosed by Desorcie as motivation to provide substantially uniform epoxysilicone compositions.

It is further the Examiner’s position that the control example in the specification does not represent the closest art because it does not contain an alkylphenol compatibilizer and has a polysiloxane possessing numerous cycloaliphatic epoxy groups along the polymer chain and Eckberg et al. discloses polysiloxanes having as few as one epoxy-functional group along the polymer chain. Therefore, it is not clear whether the difference in shelf stability is a result of differences in the epoxysiloxane component or in the absence or presence of an alkylphenol component.

It is respectfully submitted that the presently claimed composition has unexpectedly enhanced shelf stability because the claimed polysiloxanes possess epoxy functional groups only at the terminal position and substantially no epoxy functional groups along the polymer chain. As discussed fully in a declaration submitted herewith under 37 C.F.R. § 1.132, such characteristics are considered superior in a commercial setting.

In response to the rejection of Claims 1-23, submitted herewith is a declaration under 37 C.F.R. § 1.132, executed by Dr. John Kilgour, Release Coating Product Development Chemist, at General Electric Advanced Materials, 260 Hudson River Road, Waterford, New York 12188. Dr. Kilgour has testified to the unexpected and superior results of shelf stability of the presently claimed curable silicone composition.

In paragraphs 6 of the declaration, Dr. Kilgour indicates that he prepared epoxy functional polysiloxanes containing both terminal epoxy groups and a single pendant (internal) epoxy functional group along the polysiloxane chain. Further, the same shelf life testing parameters were applied to Comparative Examples P, Q and R as were applied to Examples A-H of the application and described therein. Results of the Shelf Life Stability Tests are set forth in paragraph 9 of the declaration, where it is indicated that Comparative Examples P, Q and R gel in one day, with one exception at 60°C which is faster than the Examples C, E and G of the instant application. In addition, as summarized in paragraph 10 of the declaration, the shelf life of the epoxypolysiloxane containing a single pendant group is significantly shorter than the epoxypolysiloxane containing only terminal groups.

Based on the foregoing remarks and Rule 1.132 declaration submitted herewith, Applicant has established non-obviousness of the presently claimed invention due to unexpected and superior results. Withdrawal of the rejection of claims 1-23 under 35 U.S.C. §103(a) is therefore warranted.

In view of the foregoing, it is firmly believed that the subject case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



Peter J. Falløn
Reg. No. 58,331
Attorney for Applicants

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553
(516) 228-8484 (tel)
(516) 228-8516 (fax)